

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stephanie Dukich	Team: Squad #8	CCRB Case #: 202104268	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 07/14/2021 12:56 AM, Wednesday, 07/14/2021 2:40 AM, Wednesday, 07/14/2021 5:36 AM	Location of Incident: 3214 Webster Avenue in the Bronx; 52nd Precinct stationhouse; 43rd Precinct stationhouse.	Precinct: 52	18 Mo. SOL 1/14/2023	EO SOL 1/14/2023	
Date/Time CV Reported Wed, 07/14/2021 10:40 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 07/20/2021 11:21 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Christina Moncion	11670	954455	052 PCT
2. POM Edgar Rivera	05576	955381	052 PCT
3. LT Amadeo Oktrova	00000	949413	052 PCT
4. An Officer			
5. POM Patrick Sayegh	17010	970193	052 PCT
6. PO Beggad Mohamed	21749	959823	052 PCT
7. PO Jared Santiago	22767	970184	052 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Calvin Black	03911	948676	043 PCT
2. DT3 Theodore Martine	01799	922710	043 DET
3. SGT Geceila Carrasquillo	04491	946673	043 PCT
4. PO Tania Montes	13718	940943	043 PCT
5. PO Alfredo Risole	09049	951145	043 PCT
6. PO Yusufu Sow	11970	970875	043 PCT
7. PO Marcos Pluas	06972	937296	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Amadeo Oktrova	Abuse: At 3214 Webster Avenue in the Bronx, Lieutenant Amadeo Oktrova stopped the vehicle in which § 87(2)(b) was an occupant.	
B.LT Amadeo Oktrova	Force: At 3214 Webster Avenue in the Bronx, Lieutenant Amadeo Oktrova struck § 87(2)(b) with a vehicle.	
C.POM Edgar Rivera	Abuse: At 3214 Webster Avenue in the Bronx, Police Officer Edgar Rivera drew his gun.	
D.POM Edgar Rivera	Discourtesy: At 3214 Webster Avenue in the Bronx, Police Officer Edgar Rivera spoke discourteously to § 87(2)(b)	
E.POM Edgar Rivera	Force: At 3214 Webster Avenue in the Bronx, Police Officer Edgar Rivera hit § 87(2)(b) against a vehicle.	
F.POF Christina Moncion	Discourtesy: At 3214 Webster Avenue in the Bronx, Police Officer Christina Moncion spoke discourteously to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
G.POF Christina Moncion	Abuse: At 3214 Webster Avenue in the Bronx, Police Officer Christina Moncion threatened § 87(2)(b) with the use of force.	
H.POF Christina Moncion	Abuse: At the 43rd Precinct stationhouse in the Bronx, Police Officer Christina Moncion did not obtain medical treatment for § 87(2)(b)	
I.POM Patrick Sayegh	Abuse: At the 43rd Precinct stationhouse in the Bronx, Police Officer Patrick Sayegh did not obtain medical treatment for § 87(2)(b)	
J.PO Jared Santiago	Abuse: At the 52nd Precinct stationhouse in the Bronx, Police Officer Jared Santiago did not obtain medical treatment for § 87(2)(b)	
K.PO Beggad Mohamed	Abuse: At the 52nd Precinct stationhouse in the Bronx, Police Officer Mohamed Beggad did not obtain medical treatment for § 87(2)(b)	
L. An Officer	Abuse: At the 52nd Precinct stationhouse in the Bronx, an officer did not obtain medical treatment for § 87(2)(b)	
M. An Officer	Abuse: At the 52nd Precinct stationhouse in the Bronx, an officer did not obtain medical treatment for § 87(2)(b)	
§ 87(2)(g), § 87(4-b)	§ 87(2)(g), § 87(4-b)	

Case Summary

On July 14, 2021, § 87(2)(b) filed the following complaint via the CCRB's call processing system:

On July 14, 2021, at 12:56 a.m., § 87(2)(b) was riding his dirt bike near 3214 Webster Avenue in the Bronx when Lieutenant Amadeo Oktrova of the 52nd Precinct stopped § 87(2)(b) by allegedly striking him with his police vehicle (**Allegation A: Abuse of Authority**, § 87(2)(g) **Allegation B: Force**, § 87(2)(g) § 87(2)(b) fled the location on foot and Police Officer Edgar Rivera of the 52nd Precinct drew his firearm and allegedly yelled "Stop running, what the fuck are you doing, what is wrong with you" to § 87(2)(b) (**Allegation C: Abuse of Authority**, § 87(2)(g) **Allegation D: Discourtesy**, § 87(2)(g) PO Rivera pushed § 87(2)(b) into the vehicle behind him (**Allegations E: Force**, § 87(2)(g) Police Officer Christina Moncion of the 52nd Precinct then unholstered her taser and told § 87(2)(b) that she would "Tase him in the fucking head" (**Allegation F: Discourtesy**, § 87(2)(g) **Allegation G: Abuse of Authority**, § 87(2)(g)

At the 52nd Precinct stationhouse, § 87(2)(b) requested medical attention from PO Moncion and she did not provide it to him (**Allegation H: Abuse of Authority**, § 87(2)(g) At approximately 2:40 a.m., § 87(2)(b) allegedly requested medical attention from Police Officer Patrick Sayegh of the 52nd Precinct and PO Sayegh failed to provide it to him (**Allegation I: Abuse of Authority**, § 87(2)(g)

At approximately 5:36 a.m., Police Officer Mohamed Beggad and Police Officer Jared Santiago, both of the 52nd Precinct, transported § 87(2)(b) from the 52nd to the 43rd Precinct. § 87(2)(b) asked them and an unidentified officer for medical attention, and they told him that they would tell the desk officer (**Allegation J: Abuse of Authority**, § 87(2)(g) **Allegation K: Abuse of Authority**, § 87(2)(g) **Allegation L: Abuse of Authority**, § 87(2)(g) An unidentified officer at the desk did not provide medical attention for § 87(2)(b) (**Allegation M: Abuse of Authority**, § 87(2)(g)

§ 87(2)(g)

BWC from Lt. Oktrova, PO Moncion, and PO Rivera was obtained (Board Review 01).

Stationhouse surveillance footage from the 52nd Precinct was obtained (Board Review 02).

Findings and Recommendations

Allegation (A) Abuse of Authority: At 3214 Webster Avenue in the Bronx, Lieutenant Amadeo Oktrova stopped the vehicle in which § 87(2)(b) was an occupant.

Allegation (B) Force: At 3214 Webster Avenue in the Bronx, Lieutenant Amadeo Oktrova struck § 87(2)(b) with a vehicle.

Allegation (C) Abuse of Authority: At 3214 Webster Avenue in the Bronx, Police Officer Edgar Rivera drew his gun.

Allegation (D) Discourtesy: At 3214 Webster Avenue in the Bronx, Police Officer Edgar Rivera spoke discourteously to § 87(2)(b)

Allegation (E) Force: At 3214 Webster Avenue in the Bronx, Police Officer Edgar Rivera hit § 87(2)(b) against a vehicle.

Allegation (F) Discourtesy: At 3214 Webster Avenue in the Bronx, Police Officer Christina Moncion spoke discourteously to § 87(2)(b)

Allegation (G) Abuse of Authority: At 3214 Webster Avenue in the Bronx, Police Officer Christina Moncion threatened § 87(2)(b) with the use of force.

On July 14, 2021, at 12:56 a.m., § 87(2)(b) was riding his friend's, § 87(2)(b)'s, dirt bike, a white and green 125cc. § 87(2)(b) rode a black and red Apollo 250 dirt bike along with him. § 87(2)(b)'s bike does not have a license plate or trafficators. He wore a ski mask, ripped jeans, white sneakers, and a red sweater. § 87(2)(b) and § 87(2)(b) left § 87(2)(b)'s house, located at § 87(2)(b) in the Bronx, rode down White Plains Road, and made a right on Pelham Avenue, which turned into Fordham Road. When they passed the underpass and rode up the hill towards Grand Concourse, they realized that § 87(2)(b)'s tire was flat and that they needed to get back to either § 87(2)(b)'s house or to a gas station. They made a U-turn and a left on Webster Avenue and headed towards Gunhill Road and 233rd Street by riding north on Webster Avenue. They rode their bikes at a constant speed of 25-30 miles per hour without performing any tricks on their bikes. To his knowledge, § 87(2)(b) did not commit any traffic violations. They rode in the bus lane and did not ride on the sidewalk or weave in and out of traffic. There were few other vehicles on the streets at that time. § 87(2)(b) rode at a constant 5-10 feet behind § 87(2)(b). Given that § 87(2)(b) drove slowly, whenever a vehicle came up from behind him, he let the vehicles pass by pulling over to the right side of the street.

After they passed two gas stations—a BP to § 87(2)(b)'s left, and a Citgo to his right—§ 87(2)(b) noticed a black, unmarked Ford cruiser pull up approximately five feet behind him. At that point, he was somewhere between Gunhill Road and 204th Street on Webster Avenue, riding in the direction of Gunhill Road. The windows of the vehicle were tinted so he could not see who was inside. Nobody inside of the vehicle instructed him over a loudspeaker, nor could he hear any sirens or see any lights on the vehicle. After “tailgating” § 87(2)(b) by following him for about a quarter of a mile, the vehicle drove up and rode alongside him, a few feet away to his left. After a minute, the vehicle sped up past § 87(2)(b) and the vehicle's right side hit his left bumper. It then short-stopped at an angle, facing the parked cars on the right side of the street. § 87(2)(b) lost control of his dirt bike and crashed into one of the parked cars. § 87(2)(b) fell off his bike and the left side of his body, from his waist up to his rib cage, hit the ground. § 87(2)(b) continued to ride without stopping.

§ 87(2)(b) began to run south away from his bike and the black vehicle, because he believed he was about to be robbed. As he ran, he turned around briefly and saw Lt. Oktrova inside of the vehicle, and PO Moncion and PO Rivera exit the vehicle. PO Rivera chased § 87(2)(b) with PO Moncion behind him. § 87(2)(b) did not hear anybody tell him to stop until he saw PO Rivera unholster his gun about two car lengths away from him. He kept the gun at his side. After he saw the gun, § 87(2)(b) realized that PO Moncion and PO Rivera were officers. He stopped running, standing between two parked vehicles, apologized, and put both of his hands up while facing PO Rivera. PO Rivera holstered his weapon and said, “Stop running, what the fuck are you doing, what is wrong with you.” He then came up to § 87(2)(b) and § 87(2)(b) reached down with his left hand to pick up his pants on the left side of his body by his hip, as he was not wearing a belt. At that point, PO Rivera said, “What are you reaching for” and § 87(2)(b) instantly put both of his hands back up. PO Rivera used his shoulders to push § 87(2)(b)'s upper body so that he fell backwards onto the hood of the car behind him.

PO Rivera turned § 87(2)(b)'s body around so that his stomach leaned on the vehicle and handcuffed him. § 87(2)(b) did not do anything with his body at that point. After he was handcuffed, he tried to stand up straight and PO Rivera pushed him back down towards the car with

both of his arms. PO Moncion unholstered her taser and ran up to § 87(2)(b) with it in her right hand and told him that she would “Tase him in the fucking head” while she was still about three car lengths away. She holstered her taser again when she saw that § 87(2)(b) was handcuffed. Lt. Oktrova made a U-Turn and brought back the police cruiser a few feet away from § 87(2)(b) to his right, facing oncoming traffic. After he emptied § 87(2)(b)’s pockets of two of his phones and his wallet, PO Rivera scanned the area within twenty feet of § 87(2)(b) with a flashlight to make sure that he did not drop any weapons (Board Review 03).

§ 87(2)(b) was uncooperative with the CCRB’s attempts to obtain a statement (Board Review 04).

In PO Rivera’s BWC video from the incident, sound is audible after 1:00. The video begins with PO Rivera riding in the backseat of a moving police vehicle. At 00:36, sirens can be seen flashing atop his vehicle. § 87(2)(b) rides his bike to the right of the vehicle. The vehicle speeds up ahead of § 87(2)(b) and turns slightly towards the right. PO Rivera opens the door of his car, at which point § 87(2)(b) drops his motor bike between two cars and begins to run south bound. PO Rivera chases after him at 00:46. At 00:53, § 87(2)(b) stops running between two cars, and PO Rivera runs up to him and grabs him by both shoulders with both of his hands. At the 1:00 mark, PO Moncion says something muffled that sounds like “I’ll tase you in the fucking head, stay fucking still.” PO Rivera says that he was “grabbing while he was running.” PO Moncion says, “Stay still,” and PO Rivera and PO Moncion push § 87(2)(b)’s stomach down into the car in front of him at 1:06. PO Moncion handcuffs § 87(2)(b)’s arms behind his back (Board Review 01).

In PO Moncion’s BWC video from the incident, sound is audible after 1:00. The video begins as PO Moncion rides in the front passenger seat of a moving vehicle. She exits the vehicle at 00:40, at which time PO Rivera runs out of the vehicle ahead of her and chases § 87(2)(b) who runs between two parked cars and down the sidewalk in the south-bound direction. PO Moncion runs south in the bus lane after him, facing oncoming traffic. At 00:51, she turns left between two parked vehicles and the camera is obscured by § 87(2)(b)’s sweater. The BWC falls to the ground. At 1:01, PO Moncion says “Stay still.” At 1:03, § 87(2)(b)’s body makes a sound as PO Moncion appears to push him against the car in front of him (Board Review 01).

In the 911 communications from the incident, at 1:45:00, Central calls for a sergeant with regards to a hit and run ten minutes in the past, last seen going west on 141 Street. Central says that someone was shot on a four-wheel quad and requests a canvass. 52 David responds. At 1:51:16, Central relates that a 46 sergeant called the 52 Precinct, stating that a male was shot on the George Washington Bridge. Central states that the 46 [Precinct] is looking for a yellow, green, or blue bike with a male with long hair. He says that there are two bikes with two males going south on Inwood. Sector David responds. At 1:52:44, Central relates again that the 46 [Precinct] called with regards to a male shot on the Washington Bridge, looking for a yellow, green, or blue bike with a male with long hair, possibly two males on a moped going south on Inwood. A dirt bike is mentioned (Board Review 05).

Lt. Oktrova testified on August 31, 2021, that on July 14, 2021, at 12:56 a.m., he worked as a public safety officer with PO Moncion and PO Rivera. He was driving an unmarked vehicle, and the officers were on their way back to the 52nd precinct stationhouse when they decided to stop by the BP gas station located at the intersection of 202nd Street and Webster Avenue to get water prior to returning to the stationhouse. Lt. Oktrova parked the vehicle in front of the gas station store, slightly to the left of the store entrance. The officers exited the vehicle, and began to walk towards the store, at which point Lt. Oktrova noticed § 87(2)(b) and § 87(2)(b) pull into the entrance of the gas station, approximately three to four car lengths away. Lt. Oktrova saw the individuals look in the direction of the officers, and within seconds, take off northbound on Webster Avenue without

entering the gas station lot. Lt. Oktrova noticed that the dirt bike that § 87(2)(b) was driving had no license plate or mirrors, which is illegal in New York City.

Lt. Oktrova also noted that the description of § 87(2)(b) notably that he rode a blue dirt bike, that he had long hair, and that he wore a ski mask, matched the description of a shooter in the 46th precinct, which was relayed to him over the radio about 22-30 minutes earlier. He could not recall any other details about the shooting other than that description. Lt. Oktrova discussed the description with PO Moncion and PO Rivera, and the three officers agreed to pursue § 87(2)(b) and § 87(2)(b). Lt. Oktrova got back inside the driver's seat, drove out of the gas station, and drove northbound on Webster Avenue. Though it was lightly raining, he could see clearly. He followed the car for approximately two minutes at a speed anywhere between 40 to 60 miles per hour, which was about as fast as the dirt bikes were travelling ahead of him. Aside from going over the speed limit, which was 25 miles per hour, Lt. Oktrova stated that the dirt bikes were weaving in and out of the light traffic on the streets at the time. § 87(2)(b) may have run a red light, though he is not certain of this. Lt. Oktrova eventually drove up to the dirt bikes, which were to his right, and parallel to them, at which point he activated his lights and sirens. § 87(2)(b) and § 87(2)(b) continued to drive without stopping.

Lt. Oktrova pulled up slightly ahead of § 87(2)(b)'s dirt bike and began to narrow his path slowly without striking him. At some point, Lt. Oktrova believed that § 87(2)(b)'s dirt bike turned off, as he could not hear any sound coming from it, which was previously very loud. § 87(2)(b) then jumped off the dirt bike between two cars parked to his right and began to run southbound on Webster Avenue. There were at least several feet between the hood of Lt. Oktrova's vehicle, and the car parked to his right when § 87(2)(b) dropped his dirt bike. Lt. Oktrova stated that he saw the front of the dirt bike, though he could not see whether § 87(2)(b)'s body hit the ground. He stated that he saw PO Rivera open the door of the car, but he could not see whether the car door made any contact with § 87(2)(b)'s dirt bike or his body.

PO Moncion and PO Rivera got out of the vehicle and chased § 87(2)(b) on foot. At that point, Lt. Oktrova made a U-turn and headed southbound on Webster Avenue, in the case that § 87(2)(b) was able to outrun both officers. When he encountered § 87(2)(b) again, he was already handcuffed by PO Moncion and PO Rivera. Lt. Oktrova ran § 87(2)(b)'s name in the NYPD database and found that he had five outstanding I-Cards, which prompted him to take § 87(2)(b) to the precinct. Lt. Oktrova determined that § 87(2)(b) would receive a summons for reckless operation of a motor vehicle, and that PO Moncion would be his arresting officer. PO Moncion and PO Rivera transported him to the precinct in their police vehicle, while Lt. Oktrova drove the dirt bike back. He did not observe any damage to the dirt bike, though he also did not thoroughly inspect it (Board Review 06).

PO Moncion's testimony to the CCRB on August 24, 2021, was consistent with Lt. Oktrova's aside from the following: she recognized that § 87(2)(b) matched the description of a shooter from the 46th Precinct that was relayed to her over the radio earlier that evening: a male with long hair and a ponytail on a dirt bike. PO Moncion could not recall who made the decision to pursue § 87(2)(b)'s dirt bike, nor whether there was any discussion about his appearance matching that of the shooter's description.

PO Rivera first exited the car and ran after § 87(2)(b) with PO Moncion following him. Both PO Rivera and PO Moncion told § 87(2)(b) to stop several times. While she did not recall what exactly PO Rivera said, PO Moncion told § 87(2)(b) to "Stay fucking still." PO Rivera caught up to § 87(2)(b) first, though PO Moncion did not see him do anything with § 87(2)(b)'s body other than attempt to get a hold of his hands. When she caught up with PO Rivera and § 87(2)(b), § 87(2)(b)

§ 87(2)(b) was already leaned against a parked vehicle with his hands in front of him by his waistband area. She could not see whether his hands were inside or outside of his waistband. PO Rivera related to PO Moncion that he was reaching for his waistband, and she told § 87(2)(b) something along the lines of, “Stay fucking still” again. She could not recall whether she used any other profanity, nor whether PO Rivera used any profanity. She could not recall whether she told § 87(2)(b) that “I’m going to tase you in the fucking head.” She did not pull out her taser at any point, nor did she witness PO River pull out his gun.

PO Moncion attempted to handcuff § 87(2)(b) s right hand, though he resisted by refusing to put his hands behind his back, by holding his hands down, clenching his fists, and stiffening his body. PO Moncion eventually handcuffed his right hand and PO Rivera handcuffed his left hand. PO Moncion searched him, though she could not recall if she recovered a weapon on him. After § 87(2)(b) was handcuffed, Lt. Oktrova approached the car, and PO Rivera ran § 87(2)(b) s name though NYPD database. He found three or four I-Cards § 87(2)(b) in the system from the 43rd Precinct. PO Moncion did not observe any injuries on § 87(2)(b) at this point, nor did he complain of any injuries. PO Moncion and PO Rivera escorted § 87(2)(b) into the police vehicle and transported him to the 52nd Precinct to process his arrest.

PO Moncion was presented with PO Rivera’s BWC from the incident from 00:55 to 1:03. PO Moncion stated that she heard herself say “Stay still before I tase you in the fucking head.” She stated that there was nothing that § 87(2)(b) did that would have warranted him being tased for in the head. She stated that she made this statement as a tactic to gain formal compliance and did not mean that she was literally going to tase him in the head. She stated that based on her training and experience, a taser should be deployed towards a person’s central body mass, below their neck and above their waistband. The only instance in which somebody could conceivably be tased in any other part of their body aside from that region is if they are moving at the point when they are tased and it is not intentional on the part of the officer. She stated that at the point when she said this, § 87(2)(b) had his body pushed up against the vehicle, and though he was resisting arrest, he was stationary. She also issued this statement so that § 87(2)(b) would stop reaching for his waistband (Board Review 07).

PO Rivera’s testimony to the CCRB on August 25, 2021, is consistent with PO Moncion’s aside from the following: PO Rivera noted that § 87(2)(b) s dirt bike, which was blue, matched the description of a dirt bike stolen during a shooting that came on over the radio about twenty minutes prior. The shooting occurred by the George Washington Bridge, between the 43rd and 46th Precincts, and involved two males. The perpetrators shot a civilian in the face three times and stole a blue dirt bike. § 87(2)(b) and § 87(2)(b) rode up to the gas station from the southern direction, which is the general direction of where the shooting occurred. PO Rivera discussed the similarities in the description of the bikers with Lt. Oktrova and PO Moncion, though neither of them checked the radio run to see whether the description matched. While the police vehicle drove alongside § 87(2)(b) s dirt bike, PO Rivera told § 87(2)(b) and § 87(2)(b) to stop several times through his open window. PO Rivera did not recall the speed of § 87(2)(b) s vehicle, though he stated that he may have gone over the speed limit and that he almost certainly ran a red light on either 204th or 205th Street, though he does not recall for sure. Within a few blocks, § 87(2)(b) s vehicle stopped revving and slowed down significantly, causing PO Rivera to believe that it “gave out” on him. PO Rivera told § 87(2)(b) to stop again after the vehicle’s sound turned off. § 87(2)(b) s bike came to a halt and § 87(2)(b) jumped off it. Lt. Oktrova stopped the vehicle parallel to § 87(2)(b) s bike without striking it or § 87(2)(b).

PO Rivera screamed “stop” several times as he ran towards § 87(2)(b). He denied ever pulling his gun out of his holster or using any profanity towards § 87(2)(b). § 87(2)(b) ran southbound for

about three car lengths and used his hand to hold up his jeans, which, along with some of the other previously discussed factors, caused PO Rivera to believe that he may have a weapon that weighed down his jeans. PO Rivera did not observe any bulges or anything that looked like a weapon on § 87(2)(b). § 87(2)(b) then turned around and faced PO Rivera with both of his hands up. PO Rivera used both of his hands to take hold of § 87(2)(b)'s torso, turn his body and push the upper half of his body onto the hood of the car so that his chest leaned against the vehicle. He then attempted to hold both of § 87(2)(b)'s hands behind his back. PO Rivera did not recall where § 87(2)(b)'s hands were. PO Rivera attempted to get § 87(2)(b)'s arms closer together to handcuff him, but § 87(2)(b) stiffened his arms so that they were difficult to move. PO Moncion approached § 87(2)(b) and PO Rivera from the street and used both of her hands to handcuff § 87(2)(b). PO Rivera did not observe PO Moncion pull out a taser at any point during the incident. PO Rivera and PO Moncion did not recover a firearm on § 87(2)(b). PO Rivera did not see any damages to § 87(2)(b)'s bike (Board Review 08).

NYC Administrative Code § 19-196 states that dirt bikes are included in the definition of an “all-terrain vehicle.” Additionally, it states that “No person shall operate an all-terrain vehicle in the city of New York, except that, in the case of property other than a street or a park, an all-terrain vehicle may be operated only with the consent, written or conspicuously posted consistent with applicable law, of the owner or lessee, or operated by an individual owner or lessee” (Board Review 09).

Patrol Guide Procedure 212-11 states that “Upon reasonable suspicion that the person has committed, is committing, or is about to commit a felony or Penal Law misdemeanor, stop and detain the person for the purpose of conducting a criminal investigation.” Reasonable suspicion exists when “the information known to the member of the service would make an ordinarily prudent and cautious police officer under the circumstances believe criminal activity is at hand” (Board Review 10).

Patrol Guide Procedure 221-02 states that “When a member of the service must gain compliance, control, or custody of an uncooperative subject, the member of service should “take necessary action to protect life and personal safety of all persons present” and “apply no more than the reasonable force necessary to gain control” (Board Review 11).

Patrol Guide 221-08 states that members of service should avoid discharging a CEW at an individual’s head, neck, and chest, if possible (Board Review 12).

Finally, in DCT-DAO Case #2017-17276, it was ruled by the Honorable Jeff S. Adler, that there are certain stressful and chaotic situations in which profane remarks would not constitute misconduct (Board Review 13).

§ 87(2)(g) § 87(2)(b) rode a dirt bike, which is illegal in New York City, and that he was riding a vehicle without a license plate, traffickers, or a helmet. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

BWC does not capture Lt. Oktrova’s vehicle hitting § 87(2)(b)'s dirt bike, and Lt. Oktrova, PO Rivera and PO Moncion all denied seeing the vehicle make any contact with § 87(2)(b)'s dirt bike. § 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g) PO Rivera's BWC, which captures his hands the entire time he chases § 87(2)(b) on foot, does not capture PO Rivera drawing a firearm, that PO Rivera denied drawing a firearm, and § 87(2)(g) PO Moncion denied witnessing PO Rivera draw a firearm § 87(2)(g)

§ 87(2)(g) sound in Lt. Oktrova's, PO Rivera's, and PO Moncion's BWC is captured only after § 87(2)(b) is already apprehended, that PO Rivera denied using profanity towards § 87(2)(b) and that PO Moncion denied hearing PO Rivera use profanity towards § 87(2)(b) § 87(2)(g)

§ 87(2)(b) ran from the officers and grabbed for his pants once he had stopped running, PO Rivera's action of pushing § 87(2)(b) into the vehicle in front of him to handcuff him § 87(2)(g)

§ 87(2)(g) § 87(2)(b) ran from the officers, and that PO Rivera told PO Moncion that § 87(2)(b) was reaching towards his belt, PO Moncion's comment that § 87(2)(b) "stay fucking still" § 87(2)(g)

§ 87(2)(b) PO Moncion herself understood that she could not have § 87(2)(g) tased § 87(2)(b) in his head at the time when she issued the threat to tase him in the head, and as the patrol guide states that officers should avoid doing so, § 87(2)(g)

Allegation (H) Abuse of Authority: At the 52nd Precinct stationhouse in the Bronx, Police Officer Christina Moncion did not obtain medical treatment for § 87(2)(b)

Allegation (I) Abuse of Authority: At the 52nd Precinct stationhouse in the Bronx, Police Officer Patrick Sayegh did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that he was transported to the 52nd precinct, where he was placed into a holding cell. Once inside the cell, he told PO Moncion that he was hurt and needed to go to the hospital. PO Moncion told him to wait because these things take time and said she would be back in around twenty minutes. § 87(2)(b) did not know if he had any visible injuries, but stated that his ribs hurt from the fall.

Around an hour later, § 87(2)(b) began to scream for assistance and PO Sayegh came over to him. § 87(2)(b) told him that he needed to go to the hospital. PO Sayegh told him that he could not make that decision and that he had to speak to his arresting officer. He then went to go get PO Moncion. An hour or two later, PO Moncion woke him up, handed him a Desk Appearance Ticket, and told him that she was leaving. § 87(2)(b) reminded her that he had requested medical attention. She told him that he would receive medical attention in the 43rd precinct because he was being transferred and stated that she would let the desk sergeant know (Board Review 03).

In PO Rivera's BWC from the incident, § 87(2)(b) says, "I think I'm bleeding" at 2:00. PO Moncion shines her flashlight on his head. The angle of the camera does not capture any apparent injuries on § 87(2)(b) (Board Review 01).

In PO Moncion's BWC from the incident, at 14:36, PO Rivera drives the vehicle with § 87(2)(b) and PO Moncion in the back seat. § 87(2)(b) does not say anything. He does not have any visible injuries. PO Moncion and § 87(2)(b) exit the vehicle at 17:15. § 87(2)(b) walks into the 52nd Precinct at 17:35. PO Moncion tells § 87(2)(b) to stand with his back against the wall. She places her BWC on the table facing § 87(2)(b) and counts his money while PO Rivera searches him. At 21:44, PO Moncion asks, "We're good to bring him to the back?" and somebody answers, "Yup, he's good." PO Moncion and PO Rivera walk with § 87(2)(b) into the holding cell area by PO Rivera at 22:20. At 23:18, § 87(2)(b) asks to make a phone call and PO Moncion tells him that they will be back in 20 minutes and that he will get his phone call. The video concludes with § 87(2)(b) sitting in the cell (Board Review 01).

In the stationhouse surveillance video from the 52nd Precinct, which depicts a cell and does not capture audio, § 87(2)(b) appears in the frame at 1:18:57 with PO Moncion and PO Rivera. PO Moncion opens the door of the cell and § 87(2)(b) ties his hair back, takes off his hoodie, and enters the cell at 1:20:00. At 2:39:17, § 87(2)(b) stands up and appears say something through the cell. He holds the left side of his body with his right arm and leans against the rails. Nobody else is visible in the frame. He sits back down at 2:41:17 and lays down until 2:59:04, at which point the video ends (Board Review 02).

In the second stationhouse surveillance video from the 52nd Precinct, which depicts the cell area and does not contain audio, at 2:40:33, PO Sayegh opens the door and stands in the doorway. He appears to speak with § 87(2)(b) though § 87(2)(b) is not visible in the frame. He closes the door and leaves at 2:41:14. PO Sayegh enters the room again at 2:42:48 and appears to say something to § 87(2)(b) nods, and closes the door again at 2:42:54. The video concludes with a full frame image of the holding cell entrance area (Board Review 02).

PO Moncion testified that § 87(2)(b) did not complain of any injuries, nor did he request medical attention in the vehicle on the way to the 52nd Precinct. At the 52nd Precinct stationhouse, § 87(2)(b) was processed and placed into a holding cell. At no point did § 87(2)(b) request medical assistance from PO Moncion, nor did PO Moncion hear him complain of any pain or injuries. PO Moncion did not independently see any injuries on § 87(2)(b). PO Moncion learned at some point those officers from the 43rd Precinct would transport § 87(2)(b) to the 43rd Precinct to deal with his outstanding I-Cards. PO Moncion went back to § 87(2)(b)'s cell to give him a copy of his summons at a time she could not recall. At no point did she learn that § 87(2)(b) requested his arresting officer to the holding cell, nor that he requested medical attention. PO Moncion finished her tour prior to the point when § 87(2)(b) was transferred to the 43rd Precinct and left the stationhouse (Board Review 07).

PO Rivera testified that § 87(2)(b) did not complain of any pain during the incident, nor did he request medical attention. PO Rivera placed § 87(2)(b) into the holding cell area with PO Moncion, which was his last interaction with § 87(2)(b). PO Rivera stated that § 87(2)(b) was later transported to the 43rd precinct for his four outstanding warrants, though this may have been after his tour, and he did not witness this. He stated that PO Moncion called a detective at the 43rd Precinct and let him know about § 87(2)(b)'s outstanding I-Cards, which is how the 43rd Precinct arranged to pick up § 87(2)(b) (Board Review 08).

Lt. Oktrova testified that upon arriving at the 52nd precinct stationhouse, he briefly encountered § 87(2)(b) as PO Moncion was processing him. § 87(2)(b) did not appear to have any physical injuries, and Lt. Oktrova did not ask him if he needed medical attention because § 87(2)(b) never requested medical attention in his presence, he was not required to do so. Lt. Oktrova did not see

§ 87(2)(b) placed into a holding cell but stated that it is the responsibility of the cell attendant to ensure that prisoners do not need any kind of medical attention (Board Review 06).

PO Sayegh testified on October 1, 2021, that on July 14, 2021, at approximately 1 a.m., he was working stationhouse security. PO Sayegh had no recollection of encountering any civilian that fit § 87(2)(b)'s description. PO Sayegh stated that some of his responsibilities, including assisting the front desk, were inside of the stationhouse. PO Sayegh entered the stationhouse throughout his tour, as the restroom is inside of the stationhouse. PO Sayegh did not recall entering the cell area of the precinct, nor speaking with any prisoners inside. He did not have any recollection of interacting with PO Moncion throughout his tour, nor did he learn that PO Moncion nor PO Rivera placed any prisoners inside of the cell. PO Sayegh did not recall any individual requesting medical attention from him nor from any other officer.

PO Sayegh was presented with 52nd Precinct cell area surveillance footage. The video did not help refresh PO Sayegh's recollection of his interaction with § 87(2)(b). PO Sayegh identified himself as the individual interacting with § 87(2)(b) in the video. PO Sayegh stated that based on the video, he was probably conversing with § 87(2)(b) because he probably called out from inside of the cell. Since the bathroom is opposite the cell, PO Sayegh may have been coming from or going to the restroom. He may also have been going to the break room, which is down the hall from the cell. If § 87(2)(b) needed medical attention, then PO Sayegh would have alerted the desk and followed supervisory instructions. PO Sayegh denied stating that he could not provide § 87(2)(b) with medical attention because only his arresting officer can do so. For the record, PO Sayegh stated that any officer could have called for an ambulance at that point, not just § 87(2)(b)'s arresting officer (Board Review 14).

§ 87(2)(g) PO Moncion denied that § 87(2)(b) ever asked her for medical attention, and that he is not captured on BWC doing so. § 87(2)(g) , while stationhouse video depicts § 87(2)(b) appearing to hold his side while conversing with PO Sayegh, no audio is captured of this exchange. § 87(2)(g)

Allegation (J) Abuse of Authority: At the 43rd Precinct stationhouse in the Bronx, Police Officer Jared Santiago did not obtain medical treatment for § 87(2)(b)

Allegation (K) Abuse of Authority: At the 43rd Precinct stationhouse in the Bronx, Police Officer Mohamed Beggad did not obtain medical treatment for § 87(2)(b)

Allegation (L) Abuse of Authority: At the 43rd Precinct stationhouse in the Bronx, an officer did not obtain medical treatment for § 87(2)(b)

Allegation (M) Abuse of Authority: At the 43rd Precinct stationhouse in the Bronx, an officer did not obtain medical treatment for § 87(2)(b)

§ 87(2)(b) stated that at around 5:36 a.m., PO Mohamed and PO Santiago transported him to the 43rd Precinct stationhouse in a police vehicle. In the vehicle, he told both officers that he was still waiting on medical attention. They told him that when they get to the 43rd Precinct, they would let the desk sergeant know that he needed to be seen by EMS. When they arrived at the precinct, both officers brought § 87(2)(b) before Sgt. Carrasquillo, who patted him down one more time. § 87(2)(b) did not hear either PO Santiago nor PO Mohamed tell Sgt. Carrasquillo about his request for medical assistance, nor did Sgt. Carrasquillo ask § 87(2)(b) whether he needed medical attention. He did not ask Sgt. Carrasquillo for medical attention because he had asked his transporting officers and they let him know that they would relay his request to the desk sergeant.

PO Mohamed and PO Santiago placed him into another cell, where he asked both officers again to go to the hospital. They both mentioned that when they stepped out, they would let the desk officer know. § 87(2)(b) fell asleep and awoke to Detective Theodore Martine of the 43rd Precinct Detective Squad calling his name. § 87(2)(b) told Det. Martine that he needed medical attention and Det. Martine stated that he would get it for him. At 10:16 a.m., Sergeant Calvin Black of the 43rd Precinct approached § 87(2)(b) and called an ambulance for § 87(2)(b). The ambulance arrived and evaluated § 87(2)(b) though § 87(2)(b) ultimately refused to go to the hospital (Board Review 03).

Surveillance video obtained from the 43rd Precinct stationhouse did not capture this incident because the time frame initially provided by § 87(2)(b) was incorrect (Board Review 15).

PO Santiago and PO Mohamed were identified as § 87(2)(b)s transporting officers as per the 52nd Precinct command log (Board Review 16).

43rd Precinct roll call indicated that Sgt. Carrasquillo was working as the desk sergeant, PO Montes was the administrative assistant, PO Pluas was working as the TS operator, and PO Risole and PO Sow were assigned to stationhouse security. No cell attendant was scheduled during this time (Board Review 17).

Sgt. Carrasquillo's pedigree sheet indicates that she is a Hispanic female. PO Montes' pedigree sheet indicates that she is a Hispanic female. PO Pluas' is listed as a Hispanic male in CTS. PO Risole's pedigree sheet indicates that he is a white male. PO Sow's pedigree sheet indicates that he is a Black male (Board Reviews 18-22)

PO Santiago testified on November 6, 2021, that on July 14, 2021, he was working with PO Mohamed when they received an assignment from Sergeant Craig Basler of the 52nd Precinct to transport a prisoner from the 52nd to the 43rd Precinct for an outstanding I-Card. Aside from the prisoner movement slip, PO Santiago did not receive any additional information about § 87(2)(b) nor the nature of the incident that resulted in his arrest. PO Santiago did not observe any injuries on § 87(2)(b) upon encountering him. PO Santiago and PO Mohamed transported § 87(2)(b) to the 43rd Precinct in a police vehicle. There was no conversation inside of the vehicle. At no point did § 87(2)(b) tell either PO Santiago or PO Mohamed that he wanted medical attention inside the vehicle.

Upon arriving at the 52nd Precinct, PO Mohamed and PO Santiago searched § 87(2)(b) in front of a dark skin, Hispanic or African American short female officer who stood behind the front desk. PO Santiago did not recall whether the female officer asked § 87(2)(b) whether he needed medical attention. She asked § 87(2)(b) whether he needed anything, and § 87(2)(b) said that he was good to go. PO Santiago and PO Mohamed then lodged their weapons and walked with § 87(2)(b) to the cell area. A light skin male officer with black hair followed them with the cell key.

As they were walking up to the cell that they were going to place § 87(2)(b) into, § 87(2)(b) requested to be placed in the back cell instead, without providing a reason. PO Santiago and PO Mohamed tried to explain to § 87(2)(b) that they had no say over which cell he got placed into. The male officer told PO Santiago and PO Mohamed that the precinct is not using the back cells. § 87(2)(b)s demeanor was upset and agitated, though he did not physically resist the officer's attempts to place him into the front cell. § 87(2)(b) took about two steps into the cell, then turned around and said, "Fuck no, I'm not staying here, take me to the hospital." § 87(2)(b) requested to go to the hospital several times. The male officer, who stood approximately three feet to the left of PO Santiago and PO Mohamed, heard § 87(2)(b) request medical attention, and told PO Santiago

and PO Mohamed that they should just let the desk know. PO Santiago told § 87(2)(b) that they would let the desk know about his request for medical attention.

The male officer then locked the cell and the three of them walked up to the desk. Once PO Santiago and PO Mohamed retrieved their weapons, they told the same female officer at the desk that § 87(2)(b) requested a cell change and that he needed to go to the hospital. The female officer acknowledged the request by saying “Okay” before asking the officers a few questions about § 87(2)(b)'s I-Card. The male officer was in earshot when the female officer acknowledged that § 87(2)(b) requested medical attention. PO Santiago and PO Mohamed then left the 43rd Precinct (Board Review 23).

PO Mohamed's testimony was consistent with PO Santiago's aside from the following: upon their arrival at the 43rd Precinct, PO Mohamed and PO Santiago spoke to a female desk sergeant, who told them that she spoke to their sergeant, and told them to lodge the prisoner. PO Mohamed, PO Santiago, and a dark skin male officer with black hair walked into the cell area. When the unidentified officer told him that he would not be lodged in the back cells, § 87(2)(b) became angry and highly uncooperative by raising his voice and refusing to go inside the cell. PO Mohamed attempted to deescalate the situation by telling § 87(2)(b) that he would be taken to the hospital, but before this could happen, he needed to go inside the cell first. After around five minutes, § 87(2)(b) agreed to go into the cell. On his way out, PO Mohamed told a different female officer, who he believed was the TS operator as she was at the desk on their way out, that the prisoner requested to go to the hospital. The TS operator told the officers that day tour would probably take him. PO Mohamed could not recall whether any other officers were present when PO Mohamed told this to the TS operator (Board Review 24).

Sgt. Carrasquillo testified on September 30, 2021, that on July 14, 2021, at 5:36 a.m., she was working as the Desk Sergeant for the 43rd precinct. She was assigned to the front desk and did not leave the desk for the duration of her tour, other than to take her meal. She did not recall the time at which she took her meal, nor who covered her shift for that period. She did not recall whether there was a TS operator at the desk on that day. Sgt. Carrasquillo did not recall interacting with any individual who fits § 87(2)(b)'s description at the 43rd Precinct. She did not recall whether any prisoner during her tour that day requested medical treatment. She did not recall whether any prisoner was transported from the 52nd to the 43rd precinct on that day. She stated that in the case that a prisoner is transported between precincts, they should be evaluated by the desk sergeant based on protocol.

Sgt. Carrasquillo was presented with an image of § 87(2)(b) captured from 52nd Precinct stationhouse footage of the cell area, at the timestamp 2:39:12 a.m. The image did not refresh Sgt. Carrasquillo's recollection of § 87(2)(b) nor of the incident (Board Review 25).

PO Montes testified on January 26, 2022, on July 14, 2022, at 5:36 a.m., she was working as the assistant desk officer in the 43rd Precinct. She had no recollection of any prisoner being transported from the 52nd to the 43rd Precinct on this day. PO Montes was working within the vicinity of the front desk at the precinct. PO Montes only left her post to cover the TS operator, PO Marcos Pluas, for meal, which was between 3 a.m. and around 4 a.m. PO Montes stated that when prisoners are transferred into the precinct, she checks to see if they have any property and lodges them into the prisoner roster if nobody else is there to do that. The desk officer is responsible for asking the incoming prisoners whether they need any kind of medical attention. PO Montes stated that when nobody is working as a cell attendant on any given day, then the transporting officers are responsible for lodging the prisoner from their precinct. PO Montes did not ever hear any officer from the 52nd Precinct tell her that a prisoner was requesting medical attention in the cells that day.

She did not witness any officer telling this to Sgt. Carrasquillo. Had she heard this, she would have called an ambulance to evaluate the prisoner.

PO Montes was presented with an image of § 87(2)(b) taken from the surveillance cameras of the cells in the 52nd Precinct. The image failed to refresh PO Montes' recollection of ever encountering § 87(2)(b) (Board Review 26).

On January 11, 2022, PO Risole testified that on July 14, 2021, at 5:36 a.m., he was assigned to stationhouse security for the duration of his tour. PO Risole had no recollection of this incident. He did not recall who the cell attendant was on this day, nor whether one was assigned. He stated that the stationhouse security assignment, which he was working, and the cell attendant assignment, do not overlap in responsibility. When there is no officer assigned to the cells, the responsibility to lodge the prisoner falls on the arresting officer. Stationhouse security would not be responsible for lodging a prisoner in the cells under any circumstances that PO Risole could think of. PO Risole did not recall any instance where an individual by the name of § 87(2)(b) was transferred from the 52nd to the 43rd Precinct by two police officers and lodged in the cell area. He did not encounter § 87(2)(b) nor hear him ask for medical attention.

PO Risole was presented with a photograph of § 87(2)(b) taken from 52nd Precinct stationhouse footage capturing the cells. PO Risole did not recognize § 87(2)(b) and the photograph did not refresh his recollection of the incident (Board Review 27).

On March 22, 2022, PO Sow testified that on July 14, 2021, at around 5:36 a.m., PO Sow was working stationhouse security outside the stationhouse. He had no recollection of this incident. Specifically, PO Sow did not remember learning that an individual named § 87(2)(b) was transported from the 52nd to the 43rd Precinct for outstanding I-Cards. His responsibilities as stationhouse security do not overlap in any way with the cell attendant's and PO Sow did not have any assignments inside the stationhouse. Specifically, PO Sow, did not have any recollection of an individual asking to be placed into the back cells. PO Sow similarly did not remember an individual requesting medical attention, nor his two transporting officers letting him know that they would let the desk sergeant know. He did not recall whether a cell attendant was working on this day, but if there was no cell attendant scheduled, then the responsibility to lodge the prisoner would fall on the transporting officer. He did not refuse to provide medical attention to any prisoner that day, nor did he witness any officer do so.

PO Sow was presented with a screenshot of PO Moncion's BWC, capturing § 87(2)(b) located in IA #172. PO Sow did not recognize § 87(2)(b) (Board Review 28).

Patrol Guide Procedure 210-04 states that when a prisoner in custody requires medical/psychiatric treatment, the desk officer should request ambulance and have prisoner removed to hospital, if medical/ psychiatric/drug addiction treatment is required during arrest processing (Board Review 29).

PO Santiago and PO Mohamed both testified that they let an officer at the front desk know that § 87(2)(b) requested medical attention. While § 87(2)(b) did not receive medical treatment for at least four hours after PO Santiago and PO Mohamed left the 43rd Precinct, § 87(2)(g)

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§ 87(2)(g) PO Santiago and PO Mohamed each respectively described the officer who went with them into the cell area as a white male and a Black male, § 87(2)(b) there was no cell attendant listed on the roll call, § 87(2)(b) did not provide a description of this officer, and § 87(2)(b) PO Risole and PO Sow both did not have any recollection this incident. § 87(2)(g)

Both PO Santiago and PO Mohamed testified that they let a Hispanic female officer at the desk know that § 87(2)(b) requested medical assistance. However, while PO Santiago stated that the Hispanic female officer he spoke to was the desk sergeant, PO Mohamed stated that they relayed this information to a different female at the desk. § 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Sayegh has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Santiago has been a member-of-service for one year and this is the first CCRB complaint to which he has been a subject.
- PO Beggad has been a member of service for six years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated.
- PO Moncion has been a member of service for six years and has been a subject in 16 CCRB complaints and 59 allegations, none of which were substantiated.
- Sgt. Carrasquillo has been a member of service for thirteen years and has been a subject in two CCRB complaints and two allegations, none of which were substantiated.
- Lt. Oktrova has been a member of service for eleven years and has been a subject in twelve
- PO Rivera has been a member of service for eight years and has been a subject in ten CCRB complaints and 33 allegations, of which eight were substantiated.:
 - 201702768 involved substantiated allegations of Abuse of Authority against PO Rivera. The Board recommended formalized training and the NYPD imposed instructions.

- 201703447 involved substantiated allegations of Abuse of Authority against PO Rivera. The Board recommended command level instructions and the NYPD imposed command level instructions.
- 201806414 involved substantiated allegations of Discourtesy against PO Rivera. The Board recommended command level instructions and the NYPD imposed command level instructions.
- 201909592 involved substantiated allegations of Abuse of Authority against PO Rivera. The Board recommended Command Discipline A and the NYPD imposed Command Discipline A.
- 201909958 involved substantiated allegations of Offensive Language against PO Rivera. The Board recommended charges and the NYPD imposed vacation day forfeiture.

Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of March 31, 2022, a Notice of Claim FOIL request was filed with the New York City Office of the Comptroller (Board Review 31). The results are pending.

§ 87(2)(b)

Squad: 8

Investigator: <u>Stephanie Dukich</u>	Inv. <u>Stephanie Dukich</u>	<u>April 5, 2022</u>
Signature	Print Title & Name	Date

Squad Leader: <u>Ethan De Angelo</u>	IM <u>Ethan De Angelo</u>	<u>April 6, 2022</u>
Signature	Print Title & Name	Date

Reviewer: _____	_____	_____
Signature	Print Title & Name	Date